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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,132	05/24/2000	Rainer H Wischinski	SAA-39	5531

7590 07/19/2004

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 07/19/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,132

Applicant(s)

WISCHINSKI, RAINER H

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Amendment

1. In view of the appeal brief filed on 5/4/2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication 2002/0029086 ("Ogushi") in view of U.S. Patent no. 6,230,199 ("Revashetti").

Regarding claim 1

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Ogushi teaches a system for remote configuration monitoring of an industrial control system (abstract), the system comprising: a device identifier (35) (fig. 1, element 108), for determining components of an automation or control device (26) (fig. 1, elements 106) included in the industrial control system (20) but does not teach a device identifier periodically querying the device (26) to obtain from the device (26) information identifying at least some of its component hardware, software, and firmware, the device identifier for providing a device database (33) with component identifications for the device (26); and a device configuration manager (36), responsive to the component identifications in the device database (33), and further responsive to available device components in a database (34) of available device components, for comparing the installed device components with the available device components and for providing an offer to upgrade installed device components. However, Revashetti teaches method and system for actively marketing products and services with an opportunity detection object (a device identifier) periodically querying by scanning the client computer to obtain from the client computer information identifying at least some of its component hardware, software, and firmware, the device identifier for providing an inventory database with component identifications for the client computer (col. 6 lines 55-67, “the opportunity detection object 216 ... of the client computer 208”); and an opportunity detection object 216 (device configuration manager), responsive to the component identifications in the product information database 212, and further responsive to available product components in a database of available device components, for comparing the installed configuration components with the available product components (col. 7 lines 1-14, “If the scan method 218 ... records information for the match”) and for providing an offer to upgrade installed product components (col. 7 lines 15-25, “The

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presentation method 222 analyzes ... service provider computer system 206”) for the purpose of marketing software, hardware, and related products to users of computer systems based upon the user’s current computer environment configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the marketing system of Revashetti with the industrial system of Ogushi because it would provide for the purpose of marketing software, hardware, and related products to users of computer systems based upon the user’s current computer environment configuration.

Regarding claim 2

Ogushi teaches a system diagnostics manager, responsive to the component identifications in the product information database of Revashetti, and further responsive to a third party technical support and diagnostics information database, for providing device status queries, and for updating the diagnostics information database based on responses to the device status queries (see Ogushi, page 2 paragraph 27, “the host computer 107 ... report of the status information”).

Regarding claim 3

Ogushi teaches the components of pre-determined automation or control devices are programmable logic controllers (page 2 paragraph 31 and 32, “The host computer 108 ... factories 102 to 104”).

Regarding claim 5

Revashetti teaches a general technical information database, for providing general technical information about products organized by topic, and further wherein the general technical information made about a topic, thereby providing feedback on the usability of products (col. 16 lines 8-25, “Related product marketing information ... an existing or related product”).

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Regarding claim 6

Revashetti teaches the record of requests for information made about a topic includes an identification of the requester (col. 16 lines 25-36, "A related product may ... Connected Organizer").

Regarding claim 7

Revashetti teaches the device identifier queries the devices via the Internet (fig. 2, element 204).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogushi in view of Revashetti and further in view of U.S. Patent No. 6,122,639 ("Babu").

Regarding claim 4

Ogushi and Revashetti teach a system for remote configuration monitoring but do not teach the communication via a wireless access protocol. However, Babu teaches a wireless link can be implemented to provide a two-way data communication (col. 22 lines 6-20, "Computer system 500 ... various types of information") for the purpose of sending and receiving electrical, electromagnetic or optical signals that carry digital data streams representing various types of information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the wireless communication interface of Babu with the system of Ogushi and Revashetti because it would provide for the purpose of sending and receiving electrical, electromagnetic or optical signals that carry digital data streams representing various types of information.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179.

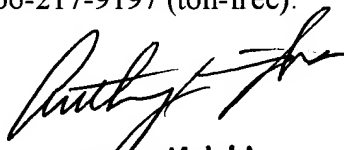
Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

July 12, 2004


Anthony Knight
Supervisory Patent Examiner
Group 3600